

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

J.S. and M.S. as parents and best friends of)	
A.S.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 18-cv-181
)	
BOARD OF EDUCATION OF)	Honorable John Robert Blakey
SCHAUMBURG COMMUNITY)	
CONSOLIDATED SCHOOL DISTRICT 54)	
and THE STATE OF ILLINOIS,)	
)	
Defendants.)	

**DEFENDANT BOARD OF EDUCATION’S
MEMORANDUM IN RESPONSE TO PLAINTIFFS’ EMERGENCY MOTION
FOR A TEMPORARY RESTRAINING ORDER**

NOW COMES Defendant Board of Education of Schaumburg Community Consolidated School District 54 (“School District” or “D54”), by and through its attorneys, Franczek Radelet P.C., who hereby submit this Memorandum of Law in Response to Plaintiffs’ Emergency Motion for a Temporary Restraining Order.

1. The School District is the largest elementary school district in the state of Illinois, serving approximately 15,323 students in 28 buildings and employing over 2200 staff members.
2. At the present time, 1,754 students in D54 have obtained orders from their pediatricians and/or personal physicians allowing the administration of medication at school.
3. The School District currently employs 11 full-time Certified School Nurses and 17 full-time Registered Nurses (RN’s), totaling 28 nurses; one nurse is assigned to each of D54’s 28 buildings.

4. The School District employs an additional five full-time and three part-time ‘floating’ nurses who serve as substitutes and provide additional support to students when necessary.
5. The School District also currently employs two additional nurses who are assigned to work in a 1:1 capacity with two individual medically fragile students who attend D54 schools.
6. The School District is not opposed to administering medical cannabis to student A.S. pursuant to her physician’s order, which is current and valid.
7. However, both state and federal law prohibit the possession and use of cannabis, in any form, on the grounds of public schools. Neither state nor federal law contain an exception that allows for the possession, use or administration of medical cannabis on school grounds pursuant to a physician’s order.
8. The Illinois *Compassionate Use of Medical Cannabis Pilot Program Act* (‘*Cannabis Act*’), 410 ILCS 130/1 et seq., specifically prohibits the possession and use of cannabis on the grounds of any preschool, primary school or secondary school or on a school bus. 410 ILCS 130/30.
9. The federal *Controlled Substances Act* categorizes cannabis as a Schedule I controlled substance that has no currently accepted medical use and a high potential for abuse.
10. The School District will take any and all steps necessary in order to serve student A.S. The School District affirmatively states that it is ready, willing and able to administer medical cannabis to A.S. while she is present on school grounds and in the care of school personnel. Unfortunately, the School District is prohibited from either

possessing or administering medical cannabis to student A.S. based on the federal and state laws summarized herein.

WHEREAS, Schaumburg Community Consolidated School District 54 prays that this Court enter an order:

- (a) Allowing the School District to possess student A.S.'s medical cannabis;
- (b) Allowing School District personnel to possess and administer A.S.'s medical cannabis to her on school grounds, during school-related activities and/or on a school bus;
- (c) Prohibiting State of Illinois and federal officials from taking any criminal or civil action against the School District, its Board of Education or its employees for a violation of state or federal law relating to the possession and use of medical cannabis for student A.S.; and
- (d) Any other relief that this Court deems appropriate.

Respectfully submitted,

**BOARD OF EDUCATION OF
SCHAUMBURG COMMUNITY
CONSOLIDATED SCHOOL DISTRICT 54**

By: s/ Darcy L. Kriha
One of Its Attorneys

Darcy L. Kriha (06210325)
dlk@franczek.com
Laura E. Knittle (6313257)
lek@franczek.com
Franczek Radelet P.C.
300 South Wacker Drive – Suite 3400
Chicago, IL 60606
Tel. (312) 986-0300
Fax (312) 986-9192

Dated: January 12, 2018

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that she caused a copy of the foregoing **DEFENDANT BOARD OF EDUCATION'S MEMORANDUM IN RESPONSE TO PLAINTIFFS' EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER** to be filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record on this 12th day of January, 2018:

Steven E. Glink
3338 Commercial Avenue
Northbrook, IL 60062
steve@educationrights.com

Thomas A. Ioppolo
Illinois Attorney General's Office
100 West Randolph Street, 13th Floor
Chicago, IL 60601
tioppolo@atg.state.il.us

s/ Darcy L. Kriha

Darcy L. Kriha

Darcy L. Kriha (06210325)
dlk@franczek.com
Laura E. Knittle (6313257)
lek@franczek.com
Franczek Radelet P.C.
300 South Wacker Drive – Suite 3400
Chicago, IL 60606
Tel. (312) 986-0300
Fax (312) 986-9192